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UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

TATIANA LEIBEL,

Petitioner,

v.

WARDEN REUBART, et al.,

Respondents.

Case No. 2:23-cv-00691-GMN-DJA

**ORDER GRANTING MOTION
FOR APPOINTMENT
OF COUNSEL****[ECF No. 83]**

This matter is before this Court on Petitioner Tatiana Leibel's Motion for Appointment of Counsel. (ECF No. 83.) The Petition in this matter was denied on March 28, 2024, and this case was closed. Because Leibel has already unsuccessfully sought relief in this Court, there is no basis for the appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B) (explaining that an indigent petitioner may request appointed counsel to pursue relief under 28 U.S.C. §2254). Further, there is no constitutional right to the appointment of counsel in a federal habeas corpus proceeding, and this Court would not be inclined to exercise its discretion to appoint counsel given that Leibel has shown herself capable of presenting her own claims. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Luna v. Kernan*, 784 F.3d 640, 642 (9th Cir. 2015) (citing *Lawrence v. Florida*, 549 U.S. 327, 336–37 (2007)). However, an actual innocence claim is difficult to present without counsel, English is not Leibel's first language, and Leibel has had no prior contact with the justice system prior to this case. Justice would best be served with counsel's assistance.

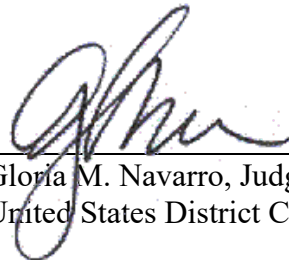
It is therefore Ordered that the Motion for Appointment of Counsel (ECF No. 83) is GRANTED. The Federal Public Defender is provisionally appointed as counsel and will have 30

1 days to (1) undertake direct representation of Leibel by filing a notice of appearance or (2) indicate
2 the office's inability to represent Leibel in these proceedings. Appointed counsel will represent
3 Leibel in all federal proceedings related to this matter, including any appeals or certiorari
4 proceedings, unless allowed to withdraw.

5 It is further Ordered that the Clerk of Court (1) serve the Federal Public Defender a copy
6 of this Order and the Merits Order (ECF No. 49), and (2) send a copy of this Order to Leibel and
7 the CJA Coordinator for this division.

8 Dated: September 17, 2024

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Gloria M. Navarro, Judge
United States District Court